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Note by the Secretary-General

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I. Introduction

1. By its resolution 44/23 of 17 November 1989, the General Assembly declared the period 1990–1999 the United Nations Decade of International Law, and a series of programmes of activities was subsequently adopted. At its fifty-first session, the Assembly adopted the programme for the activities for the final term (1997–1999) of the Decade. The programme was annexed to General Assembly resolution 51/157 of 16 December 1996.

2. The General Assembly, in paragraph 8 of resolution 52/153 of 15 December 1997, entitled "United Nations Decade of International Law", encouraged the Office of Legal Affairs of the Secretariat to continue in its efforts to facilitate access to information concerning United Nations activities in the field of international law and to bring up to date the publication of the *United Nations Juridical Yearbook*. The present report provides further information in this regard.

II. Encouragement of the teaching, study, dissemination and wider appreciation of international law

3. During 1998, the Office of Legal Affairs continued its efforts in connection with the dissemination of information regarding international law. While the primary form of dissemination remains the publication of studies, the Office of Legal Affairs has also resorted to dissemination through the electronic medium.

A. Publications concerning United Nations activities in the field of international law

4. Following the request of the General Assembly in resolution 52/153, efforts have been made to eliminate the backlog in the publication of the *United Nations Juridical Yearbook*. While the 1989 edition is being prepared, the 1988, 1993 and 1994 editions are to be published shortly. The 1995 edition will soon be sent to press. Work on the remaining volumes following 1995 will continue. A cumulative index for the *Yearbook* from 1962 to 1986 has been prepared, and will be issued as an United Nations sales item.[1]

5. The *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice, 1992–1996*[2] was published in 1998, as a continuation of an earlier issue[3] on the same subject which covered the period 1948–1991 The *Summaries* was prepared by the Codification Division of the Office of Legal Affairs in conjunction with the Registry of the International Court of Justice, as a response to the increased interest in the work of the International Court of Justice, as noted in the programme for the final term (1997–1999) of the United Nations Decade of International Law. The *Summaries* was published in all six official languages of the Organization.

6. *Making Better International Law: The International Law Commission at 50*[4] was published in June 1998 to commemorate the fiftieth anniversary of the establishment of the Commission. It contained the proceedings of the Colloquium on the Progressive Development and Codification of International Law held in New York on 28 and 29 October 1997. The publication was prefaced by the Secretary-General, and was divided into three parts: Part I, oral presentations of papers and open-floor discussion, organized according to the following themes: (a) overview of the international law-making process and the role of the International Law Commission; (b) major complexities encountered in contemporary international law-making; (c) selection of topics for codification and progressive development by the Commission and its working methods; (d) the Commission's work and the shaping of international law; (e) enhancing the Commission's relationship with other law-making bodies and relevant academic and professional institutions; (f) making international law more relevant and readily available; (g) the influence of the International Court of Justice on the work of the International Law Commission and the influence of the Commission on the work of the Court. Part II contains the written submissions of papers received. Part III reproduces the decisions and conclusions of the Commission on its programme, procedures and working methods adopted at its forty-eighth session, and the statute of the International Law Commission in both English and French.

7. The *Analytical Guide to the Work of the International Law Commission, 1949–1997*[5] was published in July 1998 as a contribution by the Codification Division to commemorate the fiftieth anniversary of the establishment of the Commission, and complements the publication *The Work of the International Law Commission*,[6] currently in its fifth edition. The Guide is intended as a tool to facilitate research into the Commission's contribution to the codification and progressive development of international law during its first 50 years of existence. The Guide is organized by topics, subdivided into categories and stages of consideration within the Commission, allowing the reader

to trace the development of each topic from inception to conclusion.

8. The Codification Division is also preparing for publication the proceedings of the seminar, held in Geneva on 21 and 22 April 1998, to celebrate the fiftieth anniversary of the International Law Commission. The seminar was organized by the Commission, the Government of Switzerland and the Graduate Institute of International Studies. The theme of the seminar was "The International Law Commission fifty years after: An evaluation", and the following topics were considered: (a) overview of the work of the International Law Commission 1948–1998; (b) international responsibility and liability: comments on the Commission's approach; (c) State immunities: current problems inherited from the past?; (d) law of treaties: questions remain open; (e) future topics and problems of the international legislative process; and (f) uses and perils of codification.

9. In paragraph 13(a) of the programme for the activities for the final term (1997–1999) of the United Nations Decade of International Law, the suggestion was made that the Organization should encourage the publication of essays on subjects of international law written by some practitioners of international law and legal advisers of States and international organizations. Following consultations with legal advisers of States and of international organizations and various practitioners on how best to implement the General Assembly's suggestion, invitations to contribute to a collection of essays were sent to the legal advisers of Member States, as well as of all the international organizations of the United Nations system, and to practitioners in the field of international law. The collection will provide a perspective on international law as viewed from the practical viewpoint of those who are involved in the actual practice of international law. The Codification Division is preparing the publication which will contain some 30 essays, organized according to the following major themes: the role of the legal adviser in shaping political decisions; the role of the legal adviser in implementing international decisions in national law; the role of the legal adviser in the application and development of the law of international organizations; the role of the legal adviser or practitioner in litigation before national courts involving questions of international law; and the role of the legal adviser or practitioner in litigation before international courts and tribunals. It is envisaged that the collection of essays will be published in 1999 in time for the commemoration of the closing of the United Nations Decade of International Law.

10. The Codification Division has been preparing a further study intended as a contribution to the United Nations Decade of International Law. The study, tentatively entitled *The United Nations and the Development of International Law during the 1990s* analyses legal instruments emanating from the normal "law-generating" processes within the United Nations during the 1990s and assesses their contribution to the development of international law. While the focus of the study is limited to the activities of the primary deliberative organs of the United Nations, it includes issues as diverse as disarmament, international environmental law, human rights, diplomatic and consular relations, international criminal law, international economic law, law of the sea, law of treaties, outer space law and the law of international organizations.

11. Volume XXVII of the *United Nations Commission on International Trade Law Yearbook*[7] was published in June 1998 and records the work of the Commission's twenty-ninth session in 1996, including electronic commerce and international commercial arbitration. Abstracts Nos. 17 to 19 under the Case Law on UNCITRAL Texts (CLOUT) system were published[8] to disseminate information on court decisions and arbitral awards relating to Conventions and Model Laws emanating from the work of the Commission.

12. The International Trade Law Branch is also preparing for publication the proceedings of the colloquium held in New York on 10 June 1998 as a special commemorative event on the fortieth anniversary of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, concluded at New York on 10 June 1958. Leading arbitration experts review their experience on the working of the Convention during its first 40 years and forecast its likely operation during the next 40 years. It is envisaged that publication of the proceedings will occur in early 1999. The publication of the proceedings of the colloquium on uniform commercial law held in New York on 11 June 1998 is also under preparation. The publication will contain information on current and possible future work topics in the areas of electronic commerce, project and receivables financing and cross-border insolvency. It is envisaged that publication will occur in early 1999.

13. The publications of the Division for Ocean Affairs and the Law of the Sea aim primarily at the dissemination of information about the *United Nations Convention on the Law of the Sea*, the comprehensive treaty dealing with all aspects of ocean affairs, as well as important developments and State practice with regard to the law of the sea. An expanded volume containing the *United Nations Convention on the Law of the Sea* and the *Agreement relating to the Implementation of Part XI of the Convention* with a

comprehensive index covering both texts was released in English in 1998.[9] The Division also prepared three issues of its *Law of the Sea Bulletin* containing current developments in the law of the sea. *The Law of the Sea – A select Bibliography – 1997*[10] was published recently. *International Fisheries Instruments with Index*, a publication prepared jointly by the Division and the Food and Agriculture Organization of the United Nations (FAO) is due later this year. The Division has distributed two issues of the Law of the Sea Information Circular (LOSIC) which communicates information on, *inter alia*, developments relating to the implementation of the Convention.

B. Dissemination of information concerning United Nations activities in the field of international law through the electronic medium

14. Information concerning United Nations activities in the field of international law is accessible through the sub-site on international law (http://www.un.org/law), under the home page of the Organization. The sub-site includes information on, *inter alia*, codification, development and promotion of international law; international trade law; law of the sea; treaties; International Tribunal for the Former Yugoslavia; International Criminal Court; International Law Commission; and International Criminal Tribunal for Rwanda. The respective units of the Office of Legal Affairs are responsible for providing information for the sub-sites. Data are generally posted, initially, in English, while some sub-sites offer versions in one or more of the other official languages of the Organization. A special section of the online United Nations Documentation: Research Guide containing references to documents related to international law (http://www.un.org/Depts/dhl/resguide/specil.htm) has recently been added.

15. The Web site of the International Law Commission (http://www.un.org/law/ilc/index.htm) was recently created to disseminate information regarding the activities of the Commission to as wide an audience as possible, through the electronic medium. The site includes the following: information on the fiftieth session of the Commission; an introduction to the Commission, including a brief historical synopsis; information regarding the composition and membership of the Commission, and its activities during its forty-eighth, forty-ninth and fiftieth sessions; a discussion of its programme of work; online copies of some of the reports of the Commission, as well as of various texts adopted by the Commission, or based on its work; and an on-line version of the *Analytical Guide to the Work of International Law Commission*.

16. Information regarding the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held at Rome, Italy, from 15 June to 17 July 1998, was posted on the Internet at the site of the International Criminal Court (http://www.un.org/icc/), established by the Department of Public Information in collaboration with the Codification Division. The site contains the following material: background information on the Conference; information for participants and the media; the daily programme of the Conference; full-text versions of selected speeches and statements made at the Conference; press releases; full-text links to selected documentation; a photo gallery; and audio links to selected speeches and statements. A full-text version of the Rome Statute of the International Criminal Court is also available at the site.

17. The site of the International Criminal Tribunal for Rwanda (http://www.ictr.org) contains, *inter alia*, the following material: relevant resolutions of the Security Council; the statute of the Tribunal; the Rules of Procedure and Evidence of the Tribunal; information regarding indictments, indictment confirmations and arrest warrants; transcripts of hearings; judgements, decisions and orders of the Chambers; and case summaries. The site recently posted full-text information regarding the Tribunal's verdicts on the crime of genocide. A mirror site (http://www.un.org/ictr), located in New York, has been established.

18. During 1998, the International Court of Justice established its own site on the Internet (http://www.icj-cij.org). The site contains basic information on the Court, including the names of the judges; the constitutive instruments of the Court; and its current docket. Full-text versions of the Court's decisions, advisory opinions and Orders, including pleadings, are vailable.

19. The Web site on the Codification, Development and Promotion of International Law (http://www.un.org/law/lindex.htm) is maintained by the Codification Division. It is intended to provide, on a regular basis, current information pertaining to the development of public international law. It currently contains information on: the activities of the Sixth Committee of the General Assembly; the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996; the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held at Rome, Italy, from 15 June to 17 July 1998; the

International Law Commission; and the audiovisual library on international law. It also contains full-text versions of the Convention on the Law of the Non-Navigational Uses of International Watercourses, and the International Convention for the Suppression of Terrorist Bombings.

20. The International Trade Law site (http://www.un.org.at/uncitral/index.html) contains information on the United Nations Commission on International Trade Law (UNCITRAL); preparatory documentation of the Commission and its working groups; case law on UNCITRAL texts (CLOUT); conventions (including their status), model laws and other texts relating to international trade law.

21. The Oceans and Law of the Sea Web site (http://www.un.org/Depts/los) is maintained by the Division for Ocean Affairs and the Law of the Sea in accordance with General Assembly resolution 49/28 of 9 December 1994. The Web site that evolved from the Gopher site established in 1995 contains electronic versions of the full text of the United Nations Convention on the Law of the Sea and its related Agreements as well as information on a variety of other legal materials dealing with ocean affairs, marine resources, the marine environment and the institutions created by the Convention. The site has been expanded this year and highlights the role of the Law of the Sea Convention in the rational management of the oceans. It is intended to bring to the general public the contribution of the Convention to their daily lives by demonstrating its interrelated nature in fields as diverse as national jurisdiction over maritime space, navigation, the sustainable use of ocean resources and marine pollution.

22. The United Nations Treaty database (http://www.un.org/Depts/Treaty) contains the electronic versions of the publications *Multilateral Treaties Deposited with the Secretary-General* and the United Nations *Treaty Series* (see chap. III below).

23. The International Criminal Tribunal for the Former Yugoslavia site (http://www.un.org/icty/index.html) contains, *inter alia*, information about the Tribunal, the basic legal documents of the Tribunal and its cases, information on publications, as well as news and press releases.

24. An audiovisual library was established by the Codification Division in 1997, under the aegis of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The library was created to assist States, particularly developing States, and their educational institutions, through the preparation and distribution of audiovisual tapes for the purpose of instruction pertaining to various topics of international law. The use of audiovisual technology is a cost-effective way to disseminate information regarding international law to a global audience. The Codification Division, which administers the library, collects tapes made available to it from international legal associations, as well as from the United Nations system itself. It reviews them for content and quality; it catalogues the tapes according to subject matter; and intends to make them available for loan to Governments and educational institutions upon request. The library also contains a collection of tapes of international law conferences, and will work with universities and law professors in producing tapes of lectures on relevant topics for use by the library. The library has no operating funds and functions on voluntary contributions. The library, to date, holds tapes under the following subjects: United Nations (general); International Court of Justice; International Law Commission; Special Commission on Iraq (UNSCOM); sanctions against Iraq; International Tribunal for the Former Yugoslavia; Convention on the Elimination of Discrimination against Women; United Nations Legal Counsel; United Nations peacekeeping activities; Ninth Congress of the United Nations on the Prevention of Crime and the Treatment of Offenders; international law (general); human rights; international humanitarian law; law of the sea; and Seton Hall University School of Law Series on public international law.

25. The Codification Division continues to contribute to the Global Legal Information Network (GLIN). GLIN is an automated, non-commercial database of national laws, statutes and regulations, developed and coordinated by the Law Library of the United States Library of Congress. Sample abstracts of legal opinions published in the *United Nations Juridical Yearbook* have been submitted to GLIN, and further abstracts will be prepared for inclusion in the database. GLIN contains information from more than 40 contributing countries in the Americas, Europe, Africa and Asia, with other countries being added on a continuing basis. At present, this database consists primarily of national legislation enacted from 1976 to the present. The database, which can be accessed by contributing countries using a password via the Internet, consists of searchable legal abstracts in English and some full texts of laws in the language of the submitting country. Within the United Nations, members of the permanent missions and the Secretariat can access GLIN from computer terminals in the Dag Hammarskjöld Library.

III. The United Nations Treaty Collection – the new database

26. Further to General Assembly resolution 51/158 of 16 December 1996, the Treaty Section of the United Nations began work on a project to establish a new electronic database/workflow system for the Section. The key objective of the project was to substantially speed up the analysis, review, inputting and processing of treaty-related data, and their subsequent publication, by employing modern electronic technology to the maximum possible extent. It was expected that the proposed system would assist substantially in eliminating, without sacrificing accuracy, the existing practice of repeatedly entering the same data for the different publications of the Section and the unnecessarily repetitive checking of entries. The key outcome anticipated from this custom-built electronic system would be the early elimination of the historical backlog in the publications of the Section, particularly in the United Nations *Treaty Series* and the United Nations *Treaty Series* Cumulative Index. In addition, the proposed new database would assist in presenting the information on the United Nations Treaty Collection on the Internet in a more timely and user-friendly manner to its rapidly multiplying group of users. Such an outcome would contribute significantly to realizing the objectives of Article 102 of the Charter of the United Nations Work on the project started in August 1997 with the object of completing the project by February/March 1998. Two key factors seriously affected the completion of the project within this time frame: (a) the complex technical difficulties confronted were of a unique nature and required novel and hitherto untested solutions; (b) the resource requirements, including financial allocations, necessary to complete the project within this time period were much greater than originally anticipated.

27. The project was completed on 9 August 1998. The Treaty Section now has a system which would enable it to scan or convert to text format through optical character recognition (OCR) all documents received in the Section (treaties, subsequent actions, ratifications, reservations, declarations, etc.) and store this information in the database. A decision to scan or use OCR will be made as soon as any document is received and would primarily depend on the quality of the document. Documents in English and French would in most instances be stored via OCR as this would enable them to be retrieved through a text search, including via the Internet. The Treaty Section possesses the technical capability to employ both methods. The new database is also equipped to handle documents submitted in electronic format, such as by diskette or e-mail, and it is strongly encouraged that documents be submitted electronically in accordance with the guidelines to be established by the Section. Electronic submission of documents will result in significant savings of time and staff and financial resources.

28. In the majority of cases, documents received will be analysed, information verified and data inputted simultaneously. On the completion of registration formalities, including the necessary legal reviews, the Section will be able to place registered treaties on the Internet in their original languages. However, placing the translated versions on the Internet will require more time. The Translation and Editorial Division has been consulted with a view to reducing the time currently taken for translations.

29. Once the necessary legal verifications are completed and the data inputted, the database is capable of producing most of the Section's output without further significant staff-member involvement. There will be no need for the current practice of repetitive entries for the different publications of the Section and repetitive verifications. Information, once it has been analysed, verified and fed into the system, will automatically flow into the different publications. New innovations relate to the production, through the database, of:

(a) All routine Circular Notifications (but those requiring detailed legal analysis and translations will continue to be handled in the traditional manner);

(b) Information facsimiles to other international bodies;

(c) Daily *Journal* entries;

(d) *Multilateral Treaties Deposited with the Secretary General, Status as at December...*,commonly referred to in the Section as "the bible". "Bible" entries will be produced automatically except for text, such as reservations, declarations, etc., for which a further software enhancement is required. The "bible" is currently available on the Internet and will be updated on a daily basis. It will also be presented in a more user-friendly manner than at present;

(e) *Monthly Statement of Treaties.* This document is already capable of being produced automatically by the new database and will reflect the entries for each month;

(f) Certificates of Registration;

(g) United Nations *Treaty Series Cumulative Index.* This document is already capable of being produced by the new database using a desktop format and will keep pace with the production of the United Nations *Treaty Series*;

(h) United Nations *Treaty Series*. This document will now be substantially produced through the new database but will continue to require a degree of manual work. Production of the *Treaty Series* through the database was a particularly challenging aspect of the project. Desktop publishing needs further refinement, but when the programme is completed according to plan, the Organization will be able to make substantial savings of financial resources currently allocated to typesetting. Negotiations are proceeding to obtain diskettes of volumes typeset from the current typesetter as this would enable the Section to place new volumes on the Internet more expeditiously. The current rate of hard copy publication of the *Treaty Series* averages around 12 volumes per month.

30. The next phase of the development programme will enable the Section to place Circular Notifications and *Journal* entries on the Internet, thus bringing this information to the attention of Member States and others within a very short time. It is also hoped to place a substantial part of the information accumulated over the last 50 years in the database on the Internet once it has been adequately verified and indexed. The *Monthly Statement of Treaties* and the United Nations *Treaty Series Cumulative Index* could also be made available to the public through CD-ROM and the Internet. These developments, however, require further software enhancements to the database.

31. The new database, though completed to a substantial extent, will require continued maintenance and further enhancements (some aspects have been highlighted above). Data from the old mainframe which had already begun to malfunction on a regular basis and which would in any event have been affected by the "year 2000 bug", have been transferred to the new database but need considerable refining. (Some programmes of the old mainframe, first established in 1973, were written in computer languages which are not in use today.) These tasks were anticipated in the budget. Regular users of the products of the Treaty Section have expressed the expectation that these tasks would be completed soon, for example, in comments on the need for a better presentation of the "bible" on the Internet. These enhancements are essential if the section is to continue to provide a relevant and valued service. A new contract will be concluded for the purpose of providing maintenance, analytical support and enhancement of the new database.

32. The Treaty Section will be extensively reorganized to work with the new database. Two key functions of the Section will be data analysis, review and input, including legal analysis, and subsequent publication. Staff will have to be reassigned to meet these key needs. They are being gradually trained in using the new database. Some staff will receive specialized training in critical functions of the new system. Opportunities exist for staff to acquire new and exciting skills. Although there will be no staff surplus, at least in the short-term due to the backlog overhang, a major financial saving would result from the switch to desktop publishing for the United Nations *Treaty Series*, especially in relation to typesetting. Staff savings will result in the medium term.

33. It is hoped to formally launch the new database in November 1998. It would also be possible to arrange briefings on the uses of the new system and its benefits for smaller groups in the Treaty Section.

Notes

[1] Sales No. E.98.V.3.

[2] ST/LEG/SER.F/1/Add 1 – United Nations publication, Sales No. E.97.V.7.

[3] ST/LEG/SER.F/1 – United Nations publication, Sales No. E.92.V.5.

[4] Sales No. E/F.98.V.5.

[5] Sales No. E.98.V.10.

[6] Sales No. E.95.V.6.

[7] Sales No. E.98.V.7.

[8] A/CN.9/SER.C/ABSTRACTS 17,18 and 19.

[9] Sales No. E.97.V.10.

[10] Sales No. E.98.V.6.